

§ 4446.5. Contractor Relocation.

(a) A single-employer contractor (Contractor) that moves a facility at which training was provided to a location out-of-state, within the term of the Employment ~~three years from expiration of the~~ Training Panel Agreement term and up to three years from its termination, may be required to return payment earned under the Agreement.

(b) A Contractor that transfers jobs for which training was provided to a location out-of-state, within the term of the Employment ~~three years from expiration of the~~ Training Panel Agreement term and up to three years from its termination, may be required to return payment earned under the Agreement.

(c) A Contractor that ceases business operations at a facility at which training was provided within the term of the Employment Training Panel Agreement and up to three years from its termination, may be required to return payment earned under the Agreement.

(~~d~~) The requirement to return payment earned under this regulation may be imposed by the Panel at its discretion, on a case-by-case basis.

(~~d~~) In exercising its discretion the Panel shall consider, as mitigating factors, whether the Contractor made efforts to minimize the State's loss of jobs/skills, or to reduce the financial burden on affected employees. Examples of such efforts include, but are not limited to:

- (1) offering job transfers to another facility operating in California,
- (2) providing job-search and placement assistance,
- (3) providing transitional health benefits, severance pay or incentives for early retirement.

(~~e~~) The provisions in subsection (a)-(e) above shall extend to a participating employer under a Multiple Employer Contract (MEC) for training that occurred on or after the date the participating employer knew or should have known that the facility would be moved or job(s) transferred to a location out-of-state. At the Panel's discretion, the MEC contractor may be reimbursed pro rata for its administrative costs related to said training.